

RESPONSE TO REQUEST FOR ADMISSION NO. 205.

Admitted. However, there are literally hundreds of production estimates and terms of agreement that were sent by the various Wave entities stating clearly that the Wave entities were the owners of the copyrights to any photographs taken. Many of these documents were signed on behalf of the relevant hotels and some were on behalf of GHM as well. GHM also reviewed every single one of such documents and had seen the referenced language regarding the Wave entities' copyright ownership in the photographs. Lee Kar Yin is (or was) the owner of each of the Wave entities.

REQUEST FOR ADMISSION NO. 206.

Admit that there is no written contract or agreement, signed by both Lee Kar Yin and a representative of GHM that indicates that GHM does not own any right in and to any of the Photographs.

RESPONSE TO REQUEST FOR ADMISSION NO. 206.

Denied. There are literally hundreds of production estimates and terms of agreement that were sent by the various Wave entities stating clearly that the Wave entities were the owners of the copyrights to any photographs taken. Many of these documents were signed on behalf of the relevant hotels and some were on behalf of GHM as well. GHM also reviewed every single one of such documents and had seen the referenced language regarding the Wave entities' copyright ownership in the photographs. GHM has also admitted under oath that it did not own any rights to the copyrights to the Photographs.

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REQUEST FOR ADMISSION NO. 207.

Admit that there is no written contract or agreement, signed by both a representative of one or more of the Wave Entities and a representative of GHM that indicates that GHM does not own any right in and to any of the Photographs.

RESPONSE TO REQUEST FOR ADMISSION NO. 207.

Denied. There are literally hundreds of production estimates and terms of agreement that were sent by the various Wave entities stating clearly that the Wave entities were the owners of the copyrights to any photographs taken. Many of these documents were signed on behalf of the relevant hotels and some were on behalf of GHM as well. GHM also reviewed every single one of such documents and had seen the referenced language regarding the Wave entities' copyright ownership in the photographs. GHM has also admitted under oath that it did not own any rights to the copyrights to the Photographs.

REQUEST FOR ADMISSION NO. 208.

Admit that The Wave Studio, LLC does not have any employees that conduct business full time in the United States of America.

RESPONSE TO REQUEST FOR ADMISSION NO. 208.

Admitted.

REQUEST FOR ADMISSION NO. 209.

Admit that The Wave Studio, LLC does not have any employees that reside in the United States of America.

RESPONSE TO REQUEST FOR ADMISSION NO. 209.

Admitted.

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REQUEST FOR ADMISSION NO. 210.

Admit that The Wave Studio, LLC does not own or lease any office space in the United States of America.

RESPONSE TO REQUEST FOR ADMISSION NO. 210.

Admitted.

REQUEST FOR ADMISSION NO. 211.

Admit that none of the Wave Entities have any employees that conduct business full time in the United States of America.

RESPONSE TO REQUEST FOR ADMISSION NO. 211.

Admit.

REQUEST FOR ADMISSION NO. 212.

Admit that none of the Wave Entities have any employees that reside in the United States of America.

RESPONSE TO REQUEST FOR ADMISSION NO. 212.

Admitted.

REQUEST FOR ADMISSION NO. 213.

Admit that none of the Wave Entities own or lease any office space in the United States of America.

RESPONSE TO REQUEST FOR ADMISSION NO. 213.

Admitted.

REQUEST FOR ADMISSION NO. 214.

Admit that none of the Wave Entities have ever been paid by GHM for any goods or services which were rendered in the State of New York.

RESPONSE TO REQUEST FOR ADMISSION NO. 214.

Admitted that GHM has not paid the Wave Entities for any goods or services which were rendered in the State of New York. However, the Wave Entities have been paid by a New York-based Setai-related entity for services provided to the Setai.

REQUEST FOR ADMISSION NO. 215.

Admit that Lee Kar Yin has never been paid by GHM for any goods or services which were rendered in the State of New York.

RESPONSE TO REQUEST FOR ADMISSION NO. 215.

Admitted.

REQUEST FOR ADMISSION NO. 216.

Admit that none of the Wave Entities have ever provided goods or services at the direction of GHM in the State of New York.

RESPONSE TO REQUEST FOR ADMISSION NO. 216.

Admitted.

REQUEST FOR ADMISSION NO. 217.

Admit that Lee Kar Yin has never provided goods or services at the direction of GHM in the State of New York.

RESPONSE TO REQUEST FOR ADMISSION NO. 217.

Admitted.

REQUEST FOR ADMISSION NO. 218.

Admit that Lee Kar Yin was aware that some or all of the Photographs were or had been displayed on GHM's website as of January 1, 2008.

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RESPONSE TO REQUEST FOR ADMISSION NO. 218.

Denied.

REQUEST FOR ADMISSION NO. 219.

Admit that at least one of the Wave Entities was aware that some or all of the Photographs were or had been displayed on GHM's website as of January 1, 2008.

RESPONSE TO REQUEST FOR ADMISSION NO. 219.

Denied.

REQUEST FOR ADMISSION NO. 220.

Admit that Lee Kar Yin was aware that some or all of the Photographs were or had been displayed on one or more of the Hotels' websites as of January 1, 2008.

RESPONSE TO REQUEST FOR ADMISSION NO. 220.

Denied.

REQUEST FOR ADMISSION NO. 221.

Admit that at least one of the Wave Entities was aware that some or all of the Photographs were or had been displayed on one or more of the Hotels' websites as of January 1, 2008.

RESPONSE TO REQUEST FOR ADMISSION NO. 221.

Denied.

REQUEST FOR ADMISSION NO. 222.

Admit that Lee Kar Yin was aware that some or all of the Photographs were or had been displayed on the internet by at least one of the Defendants other than GHM as of January 1, 2008.

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RESPONSE TO REQUEST FOR ADMISSION NO. 222.

Denied.

REQUEST FOR ADMISSION NO. 223.

Admit that at least one of the Wave Entities was aware that some or all of the Photographs were or had been displayed on the internet by at least one of the Defendants other than GHM as of January 1, 2008.

RESPONSE TO REQUEST FOR ADMISSION NO. 223.

Denied.

REQUEST FOR ADMISSION NO. 224.

Admit that Lee Kar Yin was aware that some or all of the Photographs were or had been displayed on GHM's website as of January 1, 2009.

RESPONSE TO REQUEST FOR ADMISSION NO. 224.

Denied.

REQUEST FOR ADMISSION NO. 225.

Admit that at least one of the Wave Entities was aware that some or all of the Photographs were or had been displayed on GHM's website as of January 1, 2009.

RESPONSE TO REQUEST FOR ADMISSION NO. 225.

Denied.

REQUEST FOR ADMISSION NO. 226.

Admit that Lee Kar Yin was aware that some or all of the Photographs were or had been displayed on one or more of the Hotels' websites as of January 1, 2009.

RESPONSE TO REQUEST FOR ADMISSION NO. 226.

Denied.

REQUEST FOR ADMISSION NO. 227.

Admit that at least one of the Wave Entities was aware that some or all of the Photographs were or had been displayed on one or more of the Hotels' websites as of January 1, 2009.

RESPONSE TO REQUEST FOR ADMISSION NO. 227.

Denied.

REQUEST FOR ADMISSION NO. 228.

Admit that Lee Kar Yin was aware that some or all of the Photographs were or had been displayed on the internet by at least one of the Defendants other than GHM as of January 1, 2009.

RESPONSE TO REQUEST FOR ADMISSION NO. 228.

Denied.

REQUEST FOR ADMISSION NO. 229.

Admit that at least one of the Wave Entities was aware that some or all of the Photographs were or had been displayed on the internet by at least one of the Defendants other than GHM as of January 1, 2009.

RESPONSE TO REQUEST FOR ADMISSION NO. 229.

Denied.

REQUEST FOR ADMISSION NO. 230.

Admit that Lee Kar Yin was aware that some or all of the Photographs were or had been displayed on GHM's website as of January 1, 2010.

RESPONSE TO REQUEST FOR ADMISSION NO. 230.

Denied.

REQUEST FOR ADMISSION NO. 231.

Admit that at least one of the Wave Entities was aware that some or all of the Photographs were or had been displayed on GIM's website as of January 1, 2010.

RESPONSE TO REQUEST FOR ADMISSION NO. 231.

Denied.

REQUEST FOR ADMISSION NO. 232.

Admit that Lee Kar Yin was aware that some or all of the Photographs were or had been displayed on one or more of the Hotels' websites as of January 1, 2010.

RESPONSE TO REQUEST FOR ADMISSION NO. 232.

Denied.

REQUEST FOR ADMISSION NO. 233.

Admit that at least one of the Wave Entities was aware that some or all of the Photographs were or had been displayed on one or more of the Hotels' websites as of January 1, 2010.

RESPONSE TO REQUEST FOR ADMISSION NO. 233.

Denied.

REQUEST FOR ADMISSION NO. 234.

Admit that Lee Kar Yin was aware that some or all of the Photographs were or had been displayed on the internet by at least one of the Defendants other than GHM as of January 1, 2010.

RESPONSE TO REQUEST FOR ADMISSION NO. 234.

Denied.

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REQUEST FOR ADMISSION NO. 235.

Admit that at least one of the Wave Entities was aware that some or all of the Photographs were or had been displayed on the internet by at least one of the Defendants other than GHM as of January 1, 2010.

RESPONSE TO REQUEST FOR ADMISSION NO. 235.

Denied.

REQUEST FOR ADMISSION NO. 236.

Admit that Lee Kar Yin was aware that some or all of the Photographs were or had been displayed on GHM's website as of January 1, 2011.

RESPONSE TO REQUEST FOR ADMISSION NO. 236.

Denied.

REQUEST FOR ADMISSION NO. 237.

Admit that at least one of the Wave Entities was aware that some or all of the Photographs were or had been displayed on GHM's website as of January 1, 2011.

RESPONSE TO REQUEST FOR ADMISSION NO. 237.

Denied.

REQUEST FOR ADMISSION NO. 238.

Admit that Lee Kar Yin was aware that some or all of the Photographs were or had been displayed on one or more of the Hotels' websites as of January 1, 2011.

RESPONSE TO REQUEST FOR ADMISSION NO. 238.

Denied.

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REQUEST FOR ADMISSION NO. 239.

Admit that at least one of the Wave Entities was aware that some or all of the Photographs were or had been displayed on one or more of the Hotels' websites as of January 1, 2011.

RESPONSE TO REQUEST FOR ADMISSION NO. 239.

Denied.

REQUEST FOR ADMISSION NO. 240.

Admit that Lee Kar Yin was aware that some or all of the Photographs were or had been displayed on the internet by at least one of the Defendants other than GHM as of January 1, 2011.

RESPONSE TO REQUEST FOR ADMISSION NO. 240.

Denied.

REQUEST FOR ADMISSION NO. 241.

Admit that at least one of the Wave Entities was aware that some or all of the Photographs were or had been displayed on the internet by at least one of the Defendants other than GHM as of January 1, 2011.

RESPONSE TO REQUEST FOR ADMISSION NO. 241.

Denied.

REQUEST FOR ADMISSION NO. 242.

Admit that Lee Kar Yin was aware that some or all of the Photographs were or had been displayed on GHM's website as of January 1, 2012.

RESPONSE TO REQUEST FOR ADMISSION NO. 242.

Admitted.

REQUEST FOR ADMISSION NO. 243.

Admit that at least one of the Wave Entities was aware that some or all of the Photographs were or had been displayed on GHM's website as of January 1, 2012.

RESPONSE TO REQUEST FOR ADMISSION NO. 243.

Admitted.

REQUEST FOR ADMISSION NO. 244.

Admit that Plaintiff was aware that some or all of the Photographs were or had been displayed on GHM's website as of January 1, 2012.

RESPONSE TO REQUEST FOR ADMISSION NO. 244.

Admitted.

REQUEST FOR ADMISSION NO. 245.

Admit that Lee Kar Yin was aware that some or all of the Photographs were or had been displayed on one or more of the Hotels' websites as of January 1, 2012.

RESPONSE TO REQUEST FOR ADMISSION NO. 245.

Admitted.

REQUEST FOR ADMISSION NO. 246.

Admit that at least one of the Wave Entities was aware that some or all of the Photographs were or had been displayed on one or more of the Hotels' websites as of January 1, 2012.

RESPONSE TO REQUEST FOR ADMISSION NO. 246.

Admitted.

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REQUEST FOR ADMISSION NO. 247.

Admit that Plaintiff was aware that some or all of the Photographs were or had been displayed on one or more of the Hotels' websites as of January 1, 2012.

RESPONSE TO REQUEST FOR ADMISSION NO. 247.

Admitted.

REQUEST FOR ADMISSION NO. 248.

Admit that Lee Ker Yin was aware that some or all of the Photographs were or had been displayed on the internet by at least one of the Defendants other than GHM as of January 1, 2012.

RESPONSE TO REQUEST FOR ADMISSION NO. 248.

Admitted.

REQUEST FOR ADMISSION NO. 249.

Admit that at least one of the Wave Entities was aware that some or all of the Photographs were or had been displayed on the internet by at least one of the Defendants other than GHM as of January 1, 2012.

RESPONSE TO REQUEST FOR ADMISSION NO. 249.

Admitted.

REQUEST FOR ADMISSION NO. 250.

Admit that Plaintiff was aware that some or all of the Photographs were or had been displayed on the internet by at least one of the Defendants other than GHM as of January 1, 2012.

RESPONSE TO REQUEST FOR ADMISSION NO. 250.

Admitted.

REQUEST FOR ADMISSION NO. 251.

Admit that Lee Kar Yin was aware that some or all of the Photographs were or had been displayed on GHM's website as of January 1, 2013.

RESPONSE TO REQUEST FOR ADMISSION NO. 251.

Admitted.

REQUEST FOR ADMISSION NO. 252.

Admit that at least one of the Wave Entities was aware that some or all of the Photographs were or had been displayed on GHM's website as of January 1, 2013.

RESPONSE TO REQUEST FOR ADMISSION NO. 252.

Admitted.

REQUEST FOR ADMISSION NO. 253.

Admit that Plaintiff was aware that some or all of the Photographs were or had been displayed on GHM's website as of January 1, 2013.

RESPONSE TO REQUEST FOR ADMISSION NO. 253.

Admitted.

REQUEST FOR ADMISSION NO. 254.

Admit that Lee Kar Yin was aware that some or all of the Photographs were or had been displayed on one or more of the Hotels' websites as of January 1, 2013.

RESPONSE TO REQUEST FOR ADMISSION NO. 254.

Admitted.

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REQUEST FOR ADMISSION NO. 255.

Admit that at least one of the Wave Entities was aware that some or all of the Photographs were or had been displayed on one or more of the Hotels' websites as of January 1, 2013.

RESPONSE TO REQUEST FOR ADMISSION NO. 255.

Admitted.

REQUEST FOR ADMISSION NO. 256.

Admit that Plaintiff was aware that some or all of the Photographs were or had been displayed on one or more of the Hotels' websites as of January 1, 2013.

RESPONSE TO REQUEST FOR ADMISSION NO. 256.

Admitted.

REQUEST FOR ADMISSION NO. 257.

Admit that Lee Kar Yin was aware that some or all of the Photographs were or had been displayed on the internet by at least one of the Defendants other than GHM as of January 1, 2013.

RESPONSE TO REQUEST FOR ADMISSION NO. 257.

Admitted.

REQUEST FOR ADMISSION NO. 258.

Admit that at least one of the Wave Entities was aware that some or all of the Photographs were or had been displayed on the internet by at least one of the Defendants other than GHM as of January 1, 2013.

RESPONSE TO REQUEST FOR ADMISSION NO. 258.

Admitted.

REQUEST FOR ADMISSION NO. 259.

Admit that Plaintiff was aware that some or all of the Photographs were or had been displayed on the internet by at least one of the Defendants other than GHM as of January 1, 2013.

RESPONSE TO REQUEST FOR ADMISSION NO. 259.

Admitted.

REQUEST FOR ADMISSION NO. 260.

Admit that Lee Kar Yin did not object to any of the Defendants to the display of any of the Photographs on GHM's website in any way until the instant proceeding was instituted.

RESPONSE TO REQUEST FOR ADMISSION NO. 260.

Plaintiff objects to this request because it has no way of knowing which of the Photographs were on GHM's website at any given time. Therefore, it cannot admit or deny this request.

REQUEST FOR ADMISSION NO. 261.

Admit that none of the Wave Entities objected to any of the Defendants to the display of any of the Photographs on GHM's website in any way until the instant proceeding was instituted.

RESPONSE TO REQUEST FOR ADMISSION NO. 261.

Plaintiff objects to this request because it has no way of knowing which of the Photographs were on GHM's website at any given time. Therefore, it cannot admit or deny this request.

REQUEST FOR ADMISSION NO. 262.

Admit that Plaintiff did not object to any of the Defendants to the display of any of the Photographs on GHM's website in any way until the instant proceeding was instituted.

RESPONSE TO REQUEST FOR ADMISSION NO. 262.

Plaintiff objects to this request because it has no way of knowing which of the Photographs were on GHM's website at any given time. Therefore, it cannot admit or deny this request.

REQUEST FOR ADMISSION NO. 263.

Admit that Plaintiff did not contact GHM or any employee or representative of GHM to object to the display of any of the Photographs on GHM's website in any way from 2009 until the instant proceeding was instituted.

RESPONSE TO REQUEST FOR ADMISSION NO. 263.

Admitted. However, Plaintiff was not formed until 2010 and also did not discover GHM's infringing use of the Photographs until 2012.

REQUEST FOR ADMISSION NO. 264.

Admit that Lee Kar Yin did not contact GHM or any employee or representative of GHM to object to the display of any of the Photographs on GHM's website in any way from 2009 until the instant proceeding was instituted.

RESPONSE TO REQUEST FOR ADMISSION NO. 264.

Admitted. However, Lee Kar Yin did not discover GHM's infringing use of the Photographs until 2012.

REQUEST FOR ADMISSION NO. 265.

Admit that none of the Wave Entities contacted GHM or any employee or representative of GHM to object to the display of any of the Photographs on GHM's website in any way from 2009 until the instant proceeding was instituted.

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RESPONSE TO REQUEST FOR ADMISSION NO. 265.

Admitted. However, the Wave Entities did not discover GHM's infringing use of the Photographs until 2012.

REQUEST FOR ADMISSION NO. 266.

Admit that no representative of Plaintiff, the Wave Entities or Lee Kar Yin contacted GHM or any representative or employee of GHM in any way prior to 2013 to object to the display of any of the Photographs on GHM's website.

RESPONSE TO REQUEST FOR ADMISSION NO. 266.

Admitted. However, Plaintiff was not formed until 2010 and neither Plaintiff, Lee Kar Yin, nor any of the Wave Entities discovered GHM's infringing use of the Photographs until 2012.

REQUEST FOR ADMISSION NO. 267.

Admit that Lee Kar Yin did not object to any of the Defendants to the display of any of the Photographs on any of the Hotels' websites in any way until the instant proceeding was instituted.

RESPONSE TO REQUEST FOR ADMISSION NO. 267.

Admitted. However, neither Plaintiff, Lee Kar Yin, nor any of the Wave Entities discovered the Hotels' infringing use of the Photographs until 2012.

REQUEST FOR ADMISSION NO. 268.

Admit that none of the Wave Entities objected to any of the Defendants to the display of any of the Photographs on any of the Hotels' websites in any way until the instant proceeding was instituted.

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RESPONSE TO REQUEST FOR ADMISSION NO. 268.

Admitted. However, neither Plaintiff, Lee Kar Yin, nor any of the Wave Entities discovered the Hotels' infringing use of the Photographs until 2012.

REQUEST FOR ADMISSION NO. 269.

Admit that Plaintiff did not object to any of the Defendants to the display of any of the Photographs on any of the Hotels' websites in any way until the instant proceeding was instituted.

RESPONSE TO REQUEST FOR ADMISSION NO. 269.

Admitted. However, neither Plaintiff, Lee Kar Yin, nor any of the Wave Entities discovered the Hotels' infringing use of the Photographs until 2012.

REQUEST FOR ADMISSION NO. 270.

Admit that Plaintiff did not contact any of the Hotels or any employee or representative of the Hotels to object to the display of any of the Photographs on any of the Hotels' websites in any way from 2009 until the instant proceeding was instituted.

RESPONSE TO REQUEST FOR ADMISSION NO. 270.

Admitted. However, Plaintiff was not formed until 2010. Further, neither Plaintiff, Lee Kar Yin, nor any of the Wave Entities discovered the Hotels' infringing use of the Photographs until 2012.

REQUEST FOR ADMISSION NO. 271.

Admit that Lee Kar Yin did not contact any of the Hotels or any employee or representative of the Hotels to object to the display of any of the Photographs on any of the Hotels' websites in any way from 2009 until the instant proceeding was instituted.

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RESPONSE TO REQUEST FOR ADMISSION NO. 271.

Admitted. However, neither Plaintiff, Lee Kar Yin, nor any of the Wave Entities discovered the Hotels' infringing use of the Photographs until 2012.

REQUEST FOR ADMISSION NO. 272.

Admit that none of the Wave Entities contacted any of the Hotels or any employee or representative of the Hotels to object to the display of any of the Photographs on any of the Hotels' websites in any way from 2009 until the instant proceeding was instituted.

RESPONSE TO REQUEST FOR ADMISSION NO. 272.

Admitted. However, Plaintiff was not formed until 2010. Further, neither Plaintiff, Lee Kar Yin, nor any of the Wave Entities discovered the Hotels' infringing use of the Photographs until 2012.

REQUEST FOR ADMISSION NO. 273.

Admit that Lee Kar Yin did not object to any of the Defendants to the display of any of the Photographs on the internet by at least one of the Defendants other than GHM in any way until the instant proceeding was instituted.

RESPONSE TO REQUEST FOR ADMISSION NO. 273.

Admitted. However, neither Plaintiff, Lee Kar Yin, nor any of the Wave Entities discovered the infringing use of the Photographs by non-GHM Defendants until, at the very earliest, 2011.

REQUEST FOR ADMISSION NO. 274.

Admit that no representative of Plaintiff, the Wave Entities or Lee Kar Yin contacted GHM or any representative or employee of GHM or any of the Hotels or any representative or employee of any of the Hotels in any way prior to 2013 to object to the display of any of the

Photographs on any of the Hotels' websites.

RESPONSE TO REQUEST FOR ADMISSION NO. 274.

Admitted. However, neither Plaintiff, Lee Kar Yin, nor any of the Wave Entities discovered the infringing use of the Photographs by the Hotels until, at the very earliest, 2012.

REQUEST FOR ADMISSION NO. 275.

Admit that none of the Wave Entities objected to any of the Defendants to the display of any of the Photographs on the internet by at least one of the Defendants other than GHM in any way until the instant proceeding was instituted.

RESPONSE TO REQUEST FOR ADMISSION NO. 275.

Admitted. However, neither Plaintiff, Lee Kar Yin, nor any of the Wave Entities discovered the infringing use of the Photographs by any non-GHM Defendants until, at the very earliest, 2011.

REQUEST FOR ADMISSION NO. 276.

Admit that the Plaintiff did not object to any of the Defendants to the display of any of the Photographs on the internet by at least one of the Defendants other than GHM in any way until the instant proceeding was instituted.

RESPONSE TO REQUEST FOR ADMISSION NO. 276.

Admitted. However, neither Plaintiff, Lee Kar Yin, nor any of the Wave Entities discovered the infringing use of the Photographs by any non-GHM Defendants until, at the very earliest, 2011.

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REQUEST FOR ADMISSION NO. 277.

Admit that Lee Kar Yin did not object to any of the Defendants to the display of any of the Photographs on the internet by at least one of the Defendants other than GHM in any way until the instant proceeding was instituted.

RESPONSE TO REQUEST FOR ADMISSION NO. 277.

Admitted. However, neither Plaintiff, Lee Kar Yin, nor any of the Wave Entities discovered the infringing use of the Photographs by any non-GHM Defendants until, at the very earliest, 2011.

REQUEST FOR ADMISSION NO. 278.

Admit that Plaintiff did not contact any of the Defendants or any employee or representative of the Defendants to object to the display of any of the Photographs on any of the Defendants' websites in any way from 2009 until the instant proceeding was instituted.

RESPONSE TO REQUEST FOR ADMISSION NO. 278.

Admitted. However, neither Plaintiff, Lee Kar Yin, nor any of the Wave Entities discovered the infringing use by any Defendant of the Photographs until, at the very earliest, 2011.

REQUEST FOR ADMISSION NO. 279.

Admit that Lee Kar Yin did not contact any of the Defendants or any employee or representative of the Defendants to object to the display of any of the Photographs on any of the Defendants' websites in any way from 2009 until the instant proceeding was instituted.

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RESPONSE TO REQUEST FOR ADMISSION NO. 279.

Admitted. However, neither Plaintiff, Lee Kar Yin, nor any of the Wave Entities discovered the infringing use of the Photographs by any Defendant until, at the very earliest, 2011.

REQUEST FOR ADMISSION NO. 280.

Admit that none of the Wave Entities contacted any of the Defendants or any employee or representative of the Defendants to object to the display of any of the Photographs on any of the Defendants' websites in any way from 2009 until the instant proceeding was instituted.

RESPONSE TO REQUEST FOR ADMISSION NO. 280.

Admitted. However, neither Plaintiff, Lee Kar Yin, nor any of the Wave Entities discovered the infringing use of the Photographs by any Defendant until, at the very earliest, 2011.

REQUEST FOR ADMISSION NO. 281.

Admit that no representative of Plaintiff, the Wave Entities or Lee Kar Yin contacted any Defendant other than GHM or any representative or employee of any Defendant other than GHM to object to the display of any of the Photographs on the internet by any one of the Defendants.

RESPONSE TO REQUEST FOR ADMISSION NO. 281.

Admitted. However, neither Plaintiff, Lee Kar Yin, nor any of the Wave Entities discovered the infringing use of the Photographs by any non-GHM Defendants until, at the very earliest, 2011.

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REQUEST FOR ADMISSION NO. 282.

Admit that Lee Kar Yin was aware that some or all of the Photographs were or had been displayed on GHM's website during the time that the Settlement Agreement in MC Suit No. 14699 of 2010 was being negotiated.

RESPONSE TO REQUEST FOR ADMISSION NO. 282.

Plaintiff objects that this request is vague and ambiguous as to the term "GHM website" and cannot deny or admit this request. Wave created a website for GHM in or around 2006, which used Wave-owned Photographs under license from Wave. However, on a date subsequent unknown to Wave, GHM launched a new website that used Wave-owned Photographs without Wave's authorization. Wave learned of this new website some time in 2012.

REQUEST FOR ADMISSION NO. 283.

Admit that The Wave Studio Pte. Ltd. was aware that some or all of the Photographs were or had been displayed on GHM's website during the time that the Settlement Agreement in MC Suit No. 14699 OF 2010V was being negotiated.

RESPONSE TO REQUEST FOR ADMISSION NO. 283.

Plaintiff objects that this request is vague and ambiguous as to the term "GHM website" and cannot deny or admit this request. Wave created a website for GHM in or around 2006, which used Wave-owned Photographs under license from Wave. However, on a date subsequent unknown to Wave, GHM launched a new website that used Wave-owned Photographs without Wave's authorization. Wave learned of this new website some time in 2012.

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REQUEST FOR ADMISSION NO. 284.

Admit that Lee Kar Yin was aware that some or all of the Photographs were or had been displayed on one or more of the Hotels' websites during the time that the Settlement Agreement in MC Suit No. 14699 OF 2010V was being negotiated.

RESPONSE TO REQUEST FOR ADMISSION NO. 284.

Plaintiff objects that this request is vague and ambiguous as to the term "GHM website" and cannot deny or admit this request. Wave created a website for GHM in or around 2006, which used Wave-owned Photographs under license from Wave. However, on a date subsequent unknown to Wave, GHM launched a new website that used Wave-owned Photographs without Wave's authorization. Lee Kar Yin learned of this new website some time in 2012.

REQUEST FOR ADMISSION NO. 285.

Admit that The Wave Studio Pte. Ltd. was aware that some or all of the Photographs were or had been displayed on one or more of the Hotels' websites during the time that the Settlement Agreement in MC Suit No. 14699 of 2010V was being negotiated.

RESPONSE TO REQUEST FOR ADMISSION NO. 285.

Plaintiff objects that this request is vague and ambiguous as to the term "GHM website" and cannot deny or admit this request. Wave created a website for GHM in or around 2006, which used Wave-owned Photographs under license from Wave. However, on a date subsequent unknown to Wave, GHM launched a new website that used Wave-owned Photographs without Wave's authorization. Wave learned of this new website some time in 2012.

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REQUEST FOR ADMISSION NO. 286.

Admit that, prior to December 31, 2013, Plaintiff disclosed one or more of the Photographs to one or more persons or entities besides Plaintiff's legal counsel, government agencies, GHM or any Hotels managed by GHM.

RESPONSE TO REQUEST FOR ADMISSION NO. 286.

Plaintiff objects to the term "disclosed" as vague and ambiguous. Notwithstanding this objections, Plaintiff responds as follows:

Denied.

REQUEST FOR ADMISSION NO. 287.

Admit that, prior to December 31, 2013, Lee Kar Yin disclosed one or more of the Photographs to one or more persons or entities besides Lee Kar Yin's legal counsel, government agencies, GHM or any Hotels managed by OHM.

RESPONSE TO REQUEST FOR ADMISSION NO. 287.

Plaintiff objects to the term "disclosed" as vague and ambiguous. Notwithstanding this objection, Plaintiff responds as follows:

Admitted. In approximately 2006, Lee Kar Yin caused some of the Photographs to be placed on a Wave website which can be viewed on the Internet. However, the Photographs are displayed in a manner such that they cannot be downloaded or copied. Lee Kar Yin also provided a subset of the Photographs to Masano Kawana in CD-ROM form for use in Mr. Kawana's portfolio. Lee Kar Yin also provided hard copies of approximately 20 of the Photographs to the Four Seasons.

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REQUEST FOR ADMISSION NO. 288.

Admit that, prior to the date that MC Suit No. 14699 OF 2010V was filed, Lee Kar Yin disclosed one or more of the Photographs to one or more persons or entities besides Lee Kar Yin's legal counsel, government agencies, GHM or any Hotels managed by GHM.

RESPONSE TO REQUEST FOR ADMISSION NO. 288.

Plaintiff objects to the term "disclosed" as vague and ambiguous. Notwithstanding this objection, Plaintiff responds as follows:

Admitted. In approximately 2006, Lee Kar Yin caused some of the Photographs to be placed on a Wave website which can be viewed on the Internet. However, the Photographs are displayed in a manner such that they cannot be downloaded or copied. Lee Kar Yin also provided a subset of the Photographs to Masano Kawana in CD-ROM form for use in Mr. Kawana's portfolio. Lee Kar Yin also provided hard copies of approximately 20 of the Photographs to the Four Seasons.

REQUEST FOR ADMISSION NO. 289.

Admit that, prior to December 31, 2013, one or more of the Wave Entities disclosed one or more of the Photographs to one or more persons or entities besides the Wave Entities' legal counsel, government agencies, GHM or any Hotels managed by GHM.

RESPONSE TO REQUEST FOR ADMISSION NO. 289.

Plaintiff objects to the term "disclosed" as vague and ambiguous. Notwithstanding this objection, Plaintiff responds as follows:

Admitted. In approximately 2006, Lee Kar Yin caused some of the Photographs to be placed on a Wave website which can be viewed on the Internet. However, the Photographs are displayed in a manner such that they cannot be downloaded or copied. Lee Kar Yin also

provided a subset of the Photographs to Masano Kawana in CD-ROM form for use in Mr. Kawana's portfolio. Lee Kar Yin also provided hard copies of approximately 20 of the Photographs to the Four Seasons.

REQUEST FOR ADMISSION NO. 290.

Admit that, prior to the date that MC Suit No. 14699 Of 2010V was filed, one or more of the Wave Entities disclosed one or more of the Photographs to one or more persons or entities besides the Wave Entities' legal counsel, government agencies, GHM or any Hotels managed by GHM.

RESPONSE TO REQUEST FOR ADMISSION NO. 290.

Plaintiff objects to the term "disclosed" as vague and ambiguous. Notwithstanding this objection, Plaintiff responds as follows:

Admitted. In approximately 2006, Lee Kar Yin caused some of the Photographs to be placed on a Wave website which can be viewed on the Internet. However, the Photographs are displayed in a manner such that they cannot be downloaded or copied. Lee Kar Yin also provided a subset of the Photographs to Masano Kawana in CD-ROM form for use in Mr. Kawana's portfolio. Lee Kar Yin also provided hard copies of approximately 20 of the Photographs to the Four Seasons.

REQUEST FOR ADMISSION NO. 291.

Admit that, prior to December 31, 2013, Plaintiff provided one or more of the Photographs to a person other than Plaintiff's legal counsel, government agencies, GHM, or any Hotels managed by GHM.

///

///

RESPONSE TO REQUEST FOR ADMISSION NO. 291.

Plaintiff objects to the term "disclosed" as vague and ambiguous. Notwithstanding this objection, Plaintiff responds as follows:

Denied.

REQUEST FOR ADMISSION NO. 292.

Admit that, prior to December 31, 2013, Lee Kar Yin provided one or more of the Photographs to a person other than Lee Kar Yin's legal counsel, government agencies, GHM, or any Hotels managed by GHM.

RESPONSE TO REQUEST FOR ADMISSION NO. 292.

Plaintiff objects to the term "disclosed" as vague and ambiguous. Notwithstanding this objection, Plaintiff responds as follows:

Admitted. In approximately 2006, Lee Kar Yin caused some of the Photographs to be placed on a Wave website which can be viewed on the Internet. However, the Photographs are displayed in a manner such that they cannot be downloaded or copied. Lee Kar Yin also provided a subset of the Photographs to Masano Kawana in CD-ROM form for use in Mr. Kawana's portfolio. Lee Kar Yin also provided hard copies of approximately 20 of the Photographs to the Four Seasons.

REQUEST FOR ADMISSION NO. 293.

Admit that, prior to the date that MC Suit No. 14699 GF 2010V was filed, Lee Kar Yin provided one or more of the Photographs to a person other than Lee Kar Yin's legal counsel, government agencies, GHM or any Hotels managed by GHM.

///

///

RESPONSE TO REQUEST FOR ADMISSION NO. 293.

Plaintiff objects to the term “disclosed” as vague and ambiguous. Notwithstanding this objection, Plaintiff responds as follows:

Admitted. In approximately 2006, Lee Kar Yin caused some of the Photographs to be placed on a Wave website which can be viewed on the Internet. However, the Photographs are displayed in a manner such that they cannot be downloaded or copied. Lee Kar Yin also provided a subset of the Photographs to Masano Kawana in CD-ROM form for use in Mr. Kawana’s portfolio. Lee Kar Yin also provided hard copies of approximately 20 of the Photographs to the Four Seasons.

REQUEST FOR ADMISSION NO. 294.

Admit that, prior to December 31, 2013, one or more of the Wave Entities provided one or more of the Photographs to a person other than the Wave Entities’ legal counsel, government agencies, GHM, or any Hotels managed by GHM.

RESPONSE TO REQUEST FOR ADMISSION NO. 294.

Plaintiff objects to the term “disclosed” as vague and ambiguous. Notwithstanding this objection, Plaintiff responds as follows:

Admitted. In approximately 2006, Lee Kar Yin caused some of the Photographs to be placed on a Wave website which can be viewed on the Internet. However, the Photographs are displayed in a manner such that they cannot be downloaded or copied. Lee Kar Yin also provided a subset of the Photographs to Masano Kawana in CD-ROM form for use in Mr. Kawana’s portfolio. Lee Kar Yin also provided hard copies of approximately 20 of the Photographs to the Four Seasons.

///

REQUEST FOR ADMISSION NO. 295.

Admit that, prior to the date that MC Suit No. 14699 OF 2010V was filed, one or more of the Wave Entities provided one or more of the Photographs to a person other than the Wave Entities' legal counsel, government agencies, GHM or any Hotels managed by GMM.

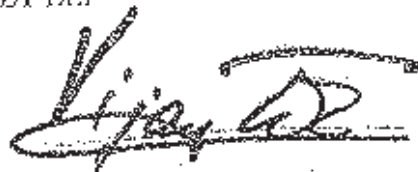
RESPONSE TO REQUEST FOR ADMISSION NO. 295.

Plaintiff objects to the term "disclosed" as vague and ambiguous. Notwithstanding this objection, Plaintiff responds as follows:

Admitted. In approximately 2006, Lee Kar Yin caused some of the Photographs to be placed on a Wave website which can be viewed on the Internet. However, the Photographs are displayed in a manner such that they cannot be downloaded or copied. Lee Kar Yin also provided a subset of the Photographs to Masano Kawana in CD-ROM form for use in Mr. Kawana's portfolio. Lee Kar Yin also provided hard copies of approximately 20 of the Photographs to the Four Seasons.

Dated: January 15, 2016

COBALT LLP



By: _____
Nate A. Garhart
Vijay K. Toke (admitted *Pro Hac Vice*)
COBALT LLP
918 Parker Street, Bldg. A21
Berkeley, CA 94710

*Attorneys for Plaintiff
The Wave Studio, LLC*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PLAINTIFF THE WAVE STUDIO, LLC'S SUPPLEMENTAL RESPONSES AND OBJECTIONS TO THE FIRST SET OF REQUESTS FOR ADMISSION OF DEFENDANT GENERAL HOTEL MANAGEMENT, LTD.** was served by placing a true copy thereof enclosed in a sealed envelope, for collection and mailing with the United States Postal Service. I am readily familiar with my firm's business practice for collection and processing of correspondence for mailing with the United States Postal Service, where it would be deposited for first class delivery, postage fully prepaid, that same day in the ordinary course of business on this 15th day of January 2016, to Defendant's counsel addressed as follows:

Howard J. Schwartz
Abigail Remore
Chiesa Shahinian & Giantomasi PC
One Boland Drive
West Orange, NJ 07052

Nikki Abdallah

Exhibit C

Page 1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF NEW YORK
3 Civil Action No. 7:13-cv-09239

4 THE WAVE STUDIOS, LLC,

5 Plaintiffs,

6
7 vs.

8 GENERAL HOTEL MANAGEMENT LTD.,

9 et al.,

10 Defendants.
11 - - - - -
12

13 TRANSCRIPT of the videotaped deposition of
14 LEE KAR YIN in the above-entitled matter as taken by
15 and before RUTHANNE UNGERLEIDER, a Certified Court
16 Reporter and Notary Public, held at the office of
17 CLAUSEN MILLER, P.C., 28 Liberty Street, New York,
18 New York, on Thursday, May 21, 2015, commencing at
19 approximately 10:15 in the forenoon.
20
21
22
23
24

25 Job No. NJ2071258

1 A P P E A R A N C E S:

2
3 COBALT, LLP

918 Parker Street, Bldg. A21

4 Berkeley, California 94710

BY: VIJAY TOKE, ESQ.

5 Attorneys for Plaintiff

6 CHIESA, SHAHNTIAN & GTANTOMASI, P.C.

7 One Boland Drive

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8 BY: HOWARD J. SCHWARTZ, ESQ.

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9 Attorneys for Defendant General Hotel Management
Ltd.

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12 New York, New York 10005

BY: MATTHEW J. VANDUSEN, ESQ.

13 Attorneys for Defendants, About.com, Alliance
Reservation Network d/b/a Reservetravel.com, Bookit,
14 Expedia, Fareportal d/b/a Cheapair.com, Farebuzz,
Frommer, Getaroom, Hotels.com, Hotelsbyme,
15 Hotelplanner, Insanelycheapflights.com, JetBlue,
Kayak, Lonely Planet, Metro travel Guide, Metro
16 Travel Guide, Netadvantage, Partner Fusion, Inc.,
Reservation Counter d/b/a reservation counter.com,
17 Pegasus, Random House d/b/a Fodors.com, This Exit,
LLC-Roadside America, Travelocity, TripAdvisor,
18 United Airlines, Gogobot, Inc. d/b/a gogobot.com,
Qantas Airways, Ltd., WK Travel, Inc., VTM Leonardo,
19 Inc.

20 AKIN GUMP, LLP

21 One Bryant Park

New York, New York 10036

22 BY: CAROLYN C. MATTUS, ESQ.

Attorneys for non-party American Express

23
24 ALSO PRESENT:

JONATHAN POPHAM, Videographer

25

I N D E X

LEE KAR YIN PAGE
By: Mr. Schwartz 5

E X H I B I T S

NUMBER	DESCRIPTION	PAGE
1	Certificate of Registration	33
2	Document TWS0199392	41
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5	Document TWS199380-383	65
6	Certificate of Registration	69
7	Certificate of Recordation	73
8	Document TWS0199397-399	73
9	Document TWS0200283	96
10	Document TWS0199686-87	113
11	Document GHM 00546	144
12	Masano Kawana Photography Services Agreement	167
13	Confirmation of Assignment of Copyright	183
14	Amended Complaint	194
15	Settlement Agreement	208

REQUESTS FOR DOCUMENT PRODUCTION

DESCRIPTION	PAGE
Sandals offer	247
Worksheet created for damages	248

1 A Yes.

2 Q This document says, "That the Board of
3 Directors has no inclination to continue operating
4 the business and the company shall apply to strike
5 off its name from register under Section 344 of the
6 companies' Act," correct?

7 A Yes.

8 Q And you read that before you signed it,
9 correct?

10 A Yes.

11 Q And that says that the Board of
12 Directors has no inclination to continue operating
13 the business, correct?

14 A Yes.

15 Q And so The Wave Pte., Ltd. stopped doing
16 business as of August 1, 2008, correct?

17 A Yes.

18 Q And what does it mean that it's struck
19 from the register, under Section 344, of the
20 company's act?

21 What's your understanding of that?

22 Do you have any understanding of what it
23 means?

24 A No.

25 Q Okay.

1 A It was all prepared by my company
2 secretary and accountant.

3 Q But it's true -- I mean, you were on the
4 Board of Directors at the time, correct?

5 A That's correct.

6 Q And it's true that the Board of
7 Directors has no inclination to continue operating
8 the business, is that correct?

9 A Under The Wave Private, Limited, yes.

10 Q So this company stopped doing business,
11 correct?

12 A That's correct.

13 Q And that at that time, as of August 1,
14 2008, the next paragraph says all the tangible assets
15 and intangible assets, after discharging its
16 liabilities, shall be repatriated and assigned to
17 you, correct?

18 A That's correct.

19 Q Okay.

20 So what was your understanding -- what
21 is your understanding of the intent of this
22 particular -- of this Exhibit 2?

23 A What's my understanding?

24 Q Let me rephrase it.

25 When you signed it, did you intend that

1 Wave Private, Ltd. would no longer be doing business,
2 correct?

3 A No, we just changed to The Wave Design
4 Private, Limited, but at that point in time,
5 Singapore government -- coincidentally, Singapore
6 government was encouraging entrepreneurship, and for
7 all new business registered in that year, new
8 business, new businesses are eligible for tax
9 concession for three years.

10 So I took the opportunity, since I'm
11 going to change The Wave Private, Limited to The Wave
12 Design Private, Limited, I took the opportunity to
13 incorporate The Wave Design Private, Limited and
14 enjoy the tax concessions.

15 Q Okay.

16 Why don't we also take a look at this,
17 which will be Exhibit 3.

18 (Whereupon Document Bates-stamped
19 TWS0199384 through 386 is received and marked as
20 Exhibit 3 for identification.)

21 Q Okay. So Exhibit 3 is a three-page
22 document, and the last three digits of the Bates
23 Stamp at the bottom are 384, 385 and 386.

24 A Uh-huh.

25 Q Okay.

1 So have you seen this document before?

2 A Yes.

3 Q Okay.

4 And that's your signature on Page 386?

5 A Yes.

6 Q And you signed on behalf -- you signed
7 as the managing director of Wave Pte., Ltd., on the
8 left-hand side, correct?

9 A Uh-huh. Yes.

10 Q And you signed as the managing director
11 of Wave Studio, Pte., Ltd., on the right-hand side,
12 correct?

13 A Yes.

14 Q So the first page -- this document is
15 entitled "An Assignment of Copyright," correct?

16 A Yes.

17 Q And it's dated effective July 28, 2008,
18 correct, at the very top?

19 A That's correct.

20 Q So if you compare, or if you put
21 Exhibit 2 next to Exhibit 3 --

22 A Yes.

23 Q -- so Exhibit 2 is the ceasing -- the
24 cessation of operation of the business of Wave Pte.,
25 correct?

1 A Yes.

2 Q And that occurred on August 1, 2008,
3 correct?

4 A Yes.

5 Q So two days before, two days or so
6 before, Wave Pte., Ltd. stopped doing business and
7 assigned its copyrights, correct?

8 A Yes.

9 Q And it assigned its copyrights to The
10 Wave Studio, Pte., Ltd., correct?

11 A Yes.

12 Q And that was accomplished -- the
13 assignment was accomplished by this document, which
14 is Exhibit 3?

15 A According to my attorney, yes.

16 Q According to -- who prepared this
17 assignment of copyright?

18 A Mr. John Jennison.

19 Q Okay.

20 And when did you first meet him? What
21 year did you say?

22 A I was in Virginia '09.
23 2010.

24 Q Okay.

25 So this assignment of copyright is dated

1 2008, correct?

2 A Uh-huh.

3 Q So are you sure that Mr. Jennison
4 prepared this?

5 A Yes.

6 Q Okay.

7 And where were you when you signed this?

8 A Singapore.

9 Q Okay.

10 And this is an assignment between two
11 Singapore companies, correct?

12 A Yes.

13 Q So if you look at the assignment,
14 effective July 28, 2008, it assigns the works on the
15 annex, which is at Page 385, correct?

16 Do you see that?

17 The second page.

18 A Yes.

19 Q So this document says that The Wave
20 Pte., Ltd., on July 28, 2008, assigned the works,
21 which are at Page 385, to The Wave Studio, Pte.,
22 Ltd., correct?

23 A Uh-huh.

24 Q So as of July 2008, Wave Pte., Ltd. no
25 longer owned the works listed on the annex at Page

1 Private, Limited was struck off in 2008 -- 2008, is
2 it? That means we need to do a nunc pro tunc. So we
3 did this. And subsequently I told him, Mr. Jennison,
4 all the properties for companies that --

5 MR. TOKE: I do not want you talking
6 about what you told counsel that's attorney-client
7 privilege.

8 Q Do you want to tell me what you said to
9 him?

10 A No.

11 Q Okay.

12 So explain to me the purpose of this
13 document.

14 A Now for then.

15 Q Well, why did you prepare this now for
16 then? What was the purpose of creating this
17 document?

18 A Because I told him The Wave Private,
19 Limited was struck off.

20 Q So what was your intention in preparing
21 this document?

22 A I didn't prepare it, Mr. Jennison did.

23 Q What was your intention in signing this
24 document?

25 A So that the copyright would be

1 conclusion, just in your own words, what is the other
2 document you're referring to? Try to describe what
3 it does.

4 A You mean the assignment?

5 Q If -- yes. If the assignment, if that's
6 what you think it is, the missing document, what do
7 you think is missing?

8 MR. TOKE: Well, it assumes that it's
9 missing. I don't know that.

10 Q Okay.

11 What do you think hasn't been shown to
12 you yet?

13 A There are four assignments. Now, what
14 we have -- what I have here is two assignments.

15 There are four assignments.

16 Wave-S, before it was struck off, all
17 assets came back to me as owner. The Wave Private,
18 Limited, before it struck off, all assets came back
19 to me as the owner. The fourth assignment assigned
20 everything from me, from The Wave Design, from The
21 Wave Studio Private, Limited, everything housed in
22 The Wave Studio, LLC.

23 Q So is that document different from what
24 Exhibit 3 -- Exhibit 4 did, for example?

25 Exhibit 4 is a document going into LLC,

1 A Yes.

2 Q Okay.

3 And the copyright application, the
4 certification is dated December 29, 2010, correct?

5 A Yes.

6 Q So the Wave-S was dissolved earlier,
7 correct?

8 A Yes.

9 Q And it's still claiming that it's the
10 copyright registrant, right, in 2010?

11 A My job is to identify which work is done
12 by which company.

13 MR. TOKE: Yeah, the document speaks for
14 itself.

15 MR. SCHWARTZ: Okay. I won't have to go
16 through all them.

17 We have done the assignment of
18 copyright, which is Exhibit A.

19 Okay, I think we can work with that.

20 Okay.

21 Q When you would be -- you would do work
22 for some of the hotels that are listed in the
23 complaint at paragraph ten?

24 MR. TOKE: If you're going to talk about
25 the complaint, can we get it in front of her?

1 A Wave, or all the entities, were hired to
2 produce marketing collaterals for all these hotels.

3 Q Okay.

4 A And photo shoots were images that we
5 required to produce the collaterals.

6 MR. SCHWARTZ: Can you read that back,
7 for a second?

8 (Whereupon, the requested portion is
9 read back by the reporter.)

10 Q When you say "Wave," you're not
11 including Wave, LLC, the New York company?

12 A No.

13 Q Okay, okay.

14 So was there one master contract between
15 you and GHM hiring you to prepare marketing
16 collaterals for these meetings?

17 A There isn't.

18 Q There is not?

19 A No.

20 Q So --

21 A You're referring to master contract.

22 Q But there is no master contract?

23 A Nope.

24 Q So would you consider the work you did
25 for each hotel as a specific project or a specific

1 good brochures. I need good marketing collaterals.
2 We need to sell, sell, sell."

3 I say, "Okay."

4 Q Okay.

5 And then would -- would you send a
6 single document that's called a contract to the
7 hotel?

8 A To established -- I mean, already built,
9 previously, I didn't know who owns what, so I would
10 send to CHM, and then they would ask me to send to
11 the hotel, but eventually it became a standard
12 practice.

13 If it's a hotel, you have to send it to
14 the hotel.

15 Q And the "it," are you referring to a
16 document that your companies generally referred to as
17 an estimate?

18 A Yes, estimate, quotation.

19 Q So for each of the individual projects,
20 was there a single document that you would refer to
21 as a contract?

22 A My estimates.

23 Q Okay.

24 I don't mean to confuse you in the legal
25 sense, I just want to make sure that we understand

1 This will be 9.

2 (Whereupon Document Bates-stamped
3 TWSO200283 is received and marked as Exhibit 9 for
4 identification.)

5 Q Okay.

6 So Exhibit 9 is two pages?

7 A Yes.

8 Q Okay.

9 So could you describe what this is?

10 A These are production estimates.

11 Q And what company was this one from?

12 A The Wave Design Private, Limited.

13 Q Okay.

14 Were all of the production estimates on
15 the same form for Wave-S and the other Wave
16 companies?

17 A After 2004, yes.

18 Q Okay.

19 So would you agree that you reserved all
20 the rights to the work that you created? Do you
21 agree with that?

22 A Yes.

23 Q And you agree that's an important thing
24 to communicate to the hotel or to GHM?

25 A Yes.

1 And I did communicate.

2 Q Okay.

3 And in what way did you communicate
4 that?

5 A I said, "Ralph, all this are Wave's
6 work."

7 I'm not referring to just photographs,
8 all of them.

9 Q Okay.

10 And was that one specific conversation
11 you had?

12 A No, one or two.

13 And then he said, "Yeah, yeah."

14 Q Okay.

15 A "Yeah, yeah, they are your images.
16 Now" -- and he said this, "Now that you got all these
17 beautiful images, you should make a hardcover coffee
18 book for us."

19 Q Okay.

20 And about when was that?

21 A I'm sorry, I don't remember years.

22 Q Okay.

23 Did you ever make a coffee book?

24 A No, because I told him this, "Ralph, who
25 is paying for the production? Do you know how much

1 Q Are you saying as a service as opposed
2 to ownership, is that what you mean?

3 A I don't know where you're getting that.

4 Q You keep saying "as a service," and I
5 don't understand what you're trying to tell me by
6 that.

7 A In order to produce the collaterals -- I
8 cannot have every page blank, so if I'm supposed to
9 produce a collateral, what are the ingredients that I
10 need? The ingredient would be copyrighting. The
11 ingredient would be images. The ingredient would be
12 drawing of the location, the map.

13 This is one of the ingredients in order
14 to make the final product to be delivered.

15 Q Okay, fine. Okay.

16 So did you ever have a specific
17 discussion with Ralph about using your photographs on
18 CHM's website?

19 MR. TOKE: Vague and ambiguous.

20 What do you mean, "using"?

21 MR. SCHWARTZ: You can object. You
22 can't make a speaking objection.

23 MR. TOKE: That's fine. I'm just
24 asking. I said vague and ambiguous as to --

25 MR. SCHWARTZ: Okay.

1 A I didn't need to ask him because Wave
2 created the first GHM website.

3 Q So the answer to my question is, you
4 never had a conversation with Ralph about using
5 Wave's photographs on GHM's website?

6 A For the first website, it's not
7 necessary.

8 Q I'm sorry. It's not necessary to have
9 the conversation with him?

10 A He said, "Do the website."

11 I said. "Okay. I have the ingredients,
12 I do the website."

13 Q And was that website that's available to
14 the general public?

15 A Yes.

16 Q Okay.

17 So -- and when did this conversation
18 take place?

19 A I have to look back when the first GHM
20 website was created because Wave created that.

21 Q Okay.

22 Approximately when?

23 A I'm sorry, sir, I cannot remember dates.

24 Q Okay.

25 Was it -- not specifically, but within a

1 year, was it before 2005 or after 2005, if you can
2 remember?

3 A I don't.

4 Q Okay.

5 So you knew, at some point, that
6 photographs that you had taken were being used on the
7 GHM website?

8 A The one Wave created or --

9 Q Well, I don't know. You tell me.

10 A I only -- Wave only created one website.

11 Q Well, describe the website that you
12 created for GHM.

13 A Corporate color. Black --

14 Q No, no, no, no. I mean, who had access
15 to that website? Was it open to the public?

16 A Yes.

17 Q Okay.

18 So if someone from the public wanted to
19 look at hotels that were managed by GHM, they could
20 go to the GHM website and see photographs that you
21 took?

22 A Yes.

23 Q And was that during the whole time that
24 you were doing work with GHM?

25 A Yes.

1 Q Okay.

2 And you didn't have any objection to
3 that at that time, correct?

4 A Because the creation of the website,
5 that's the end result, okay, users, with pictures.

6 Q Right.

7 A Why would I have objection to the
8 business?

9 I mean, website designing is also
10 another --

11 Q -- business of The Wave companies, is
12 that fair to say?

13 A Yes.

14 Q Okay.

15 So were at least some of the pictures
16 that were on the GHM website the pictures that were
17 registered for copyright in the U.S.?

18 A I mean, the first website?

19 Q Yes.

20 A Yes.

21 Q Are you -- as part of this lawsuit, any
22 of the photographs that were on the GHM website --
23 let me rephrase that question.

24 Are you claiming that GHM infringed any
25 rights belonging to any of your companies by virtue

1 of having those pictures up on their website?

2 A Yes, because it's a different website.

3 Q Which website are you claiming
4 infringed?

5 A The GHM website that you're seeing now
6 is not the one that I created.

7 Q And when did you know there was a change
8 in websites?

9 A I don't know.

10 2002, thereabouts.

11 Q 2002?

12 A Yeah, thereabouts.

13 Q Okay.

14 So let me see if I understand.

15 You have to realize I don't know what
16 you know, so that's why I'm asking these questions.

17 A And I'm trying to understand your
18 question.

19 Q Okay. That's why I don't want you to
20 get frustrated with me.

21 So you created a website for GHM prior
22 to, approximately, 2002 that contained pictures that
23 you created and were paid for, correct?

24 MR. TOKE: Objection.

25 MR. SCHWARTZ: It's noted.

1 Q You can answer.

2 A You asked -- well, if the client said,
3 "I want a website," then, okay, this is the estimate
4 for the website, and yes, the end result -- whatever
5 ingredients to put in, the end result, that would be
6 the website, and you have to pay for the creation of
7 that website.

8 Q Okay.

9 So you're saying that GHM had a
10 different website after 2002 that you didn't create,
11 correct?

12 A Yes.

13 Q And it was using some of the same
14 photographs?

15 A Yes.

16 Q That you had created, correct?

17 A Yes.

18 Q So did you notify GHM in 2002 that you
19 objected to their use of your photographs on a
20 website that -- on a website that you didn't create?

21 A I'm sorry, sir, it's actually quite
22 pointless to notify GHM. I notified them for many,
23 many years of unpaid bills, and the final -- the
24 final E-mail for unpaid bills that I got, I kept
25 asking -- they kept asking me to send true copies. I

1 think I send no less than three sets of true copies
2 of unpaid bills. And the final answer I got from
3 GHM, the finance director said, "We joined prior to
4 all these things that had happened." To put it
5 bluntly, "There's nothing we can do to help you."

6 Q Okay.

7 Can you repeat my question, please?

8 (Whereupon, the requested portion is
9 read back by the reporter.)

10 Q Okay, so I'll repeat my question.

11 Did you hear the question?

12 A Yes, sir.

13 Q And so the answer is, no, you didn't
14 notify them that you objected to the use of your
15 photographs, or photographs of your companies, that
16 you saw on their website after 2002, correct?

17 A That's correct, I did not notify them.

18 Q Okay.

19 And were there photographs that you or
20 your companies had taken that you knew were on
21 websites of the hotels prior to 2011?

22 MR. TOKE: Hold on. Read back the
23 question, please.

24 (Whereupon, the requested portion is
25 read back by the reporter.)

1 Q Right, 2002.

2 Okay. This may help you with the dates.

3 MR. SCHWARTZ: Why don't we mark this as
4 Exhibit 10.

5 (Whereupon Document Bates-stamped
6 TWS0199686 and 87 is received and marked as Exhibit
7 10 for identification.)

8 Q Okay.

9 You see Exhibit 10?

10 A Yes.

11 Q And that is an estimate for the Setai
12 website creation?

13 A Yes.

14 Q That's dated October 3, 2005?

15 A Yes.

16 Q Okay.

17 So does that help you refresh your
18 recollection that you were creating or were
19 retained -- or you estimated the creation of the
20 Setai website in 2005?

21 A Yes, this helps.

22 Q Okay.

23 Okay.

24 So were your photographs used on the
25 Setai website?

1 A Yes.

2 Q Okay.

3 And, in 2005, did you look at any other
4 hotel websites to see what they looked like to form a
5 basis of artistic comparison?

6 MR. TOKE: Hold on.

7 What year was that?

8 MR. SCHWARTZ: 2005, the same time as
9 this.

10 A Is your question did I look at other
11 people's websites?

12 Q Yes.

13 A Generally, I don't like to do that.

14 Q Okay.

15 Just for your own information, at any
16 time up to 2010, did you ever look at the websites of
17 the hotels that are listed in the complaint in
18 paragraph ten?

19 A Prior to when?

20 Sorry.

21 Q 2011.

22 A No.

23 Q Why not?

24 A Sir, I was very, very tired. In fact, I
25 was planning to relocate to the U.S.

1 Q So is that -- is being too tired the
2 reason you wouldn't look at somebody's website?

3 MR. TOKE: Objection, argumentative.

4 A I'm sorry, sir, I actually declined
5 jobs.

6 Q Right.

7 A Hotel jobs. I didn't even want to look
8 at hotels. I'm just very, very tired.

9 Q At that time?

10 A Prior to 2011?

11 Q Yes.

12 A Yes, because the unpaid bills case
13 didn't even get settled until February -- somewhere
14 around February 2012.

15 Q Okay.

16 And what's the connection between the
17 lawsuit and your looking at somebody else's website?

18 A It requires me to use my eyes.

19 Q Okay.

20 A I'm already reading so many E-mails and
21 whatever they are asking from me.

22 Q Okay.

23 Did you ever tell any of the hotel
24 managers --

25 A About?

1 the collaterals, correct?

2 A Yes.

3 Q And you then -- how do you present that
4 to the hotels?

5 A If they don't have images, I'll say, "We
6 need images."

7 Q Okay.

8 And the images then are photographed,
9 correct?

10 A Correct.

11 Q And you deliver, to the hotels and GHM,
12 CD's of the photographs you take?

13 A Okay. One of the requirements for Wave
14 is, once an estimate is approved, Wave require
15 50 percent payment to buy tickets or whatnot, and
16 when we finish photography, we bring -- we still have
17 to do post-production. After everything is done, the
18 requirement was to send a copy to GHM, a copy to the
19 sales department, and a copy to the hotel, whichever
20 one, so that they can verify that Wave did do the job
21 and not loaf around and eat for free, stay for free.
22 And I have to give it to them in CD, read-only
23 memory, read-only memory, to prove that we did the
24 job so that we can get 50 percent payment. That
25 CD-ROM, read-only memory, also acts as a catalog, in

1 time to come, if you want, whichever number,
2 whichever picture, you order from us. Like, when you
3 want to do a new brochure, then it would be so much
4 easier to say, "Okay" -- they will tell me, "I don't
5 want this picture, I want dining room two, or dining
6 room four."

7 Q From -- from the CD-ROM?

8 A Yes, because then they will know -- I
9 have a lot of E-mails say, "We don't want that
10 picture, we want another picture."

11 Q So of the photographs that you
12 delivered -- of the images on the CD-ROM that you
13 delivered to the hotels and GHM, it's your
14 understanding, isn't it, that the hotels, or GHM, had
15 the right to select photographs to use, correct?

16 A To order from me.

17 Q Okay.

18 A Just like previous time when they
19 reprint, they will also say, "We don't want this
20 picture," all the reprints come to Wave.

21 Q Okay.

22 And so on the times that there were
23 reprints of brochures, would you -- you would get
24 paid for the reproduction of the brochures?

25 A Printing costs and so on, yes, they

1 order the collateral.

2 Q Okay.

3 But you wouldn't get paid a separate
4 photograph fee, right?

5 A It's worked into the printing cost.

6 Q "It's worked into the printing cost,"
7 what does that mean?

8 A Meaning that for print, for print, the
9 license fees would normally be how many copies, where
10 are the circulation, where is it used, on the cover,
11 inside back cover and so on and so forth.

12 Q What do you mean, by print?

13 This has nothing to do with the hotels,
14 correct?

15 A No, it has to do with the collaterals
16 ordered.

17 When you want new brochures, it has to
18 go for print.

19 Q Sure.

20 A Okay?

21 So if the -- for simple and most
22 inexpensive way, Wave adopted this method, if they
23 ordered 10,000 brochures, the print costs will be
24 doubled because license fees always go hand in hand.

25 Q Where are the license fees?

1 Can you show me where the license
2 fees -- were the license fees ever put down in
3 writing someplace?

4 A No, I told Ralph this.
5 He said okay.

6 Q Oh, so let's just deal with this for a
7 second.

8 You say that there are license fees that
9 were charged by Wave to the different Wave companies,
10 right?

11 A Yes, but very minimal.

12 Q Well, let's just stay with one thing at
13 a time.

14 Were the license fees put in writing
15 someplace?

16 A No. I told Ralph and, he say, "Yes,
17 that's fine, that's fine."

18 Q Okay.

19 So what would you consider a license
20 fee?

21 A If you -- if you print 10,000 brochures,
22 let's say, 10,000 brochures, and print cost is
23 \$10,000, just for example, then chargeable would be
24 20,000.

25 Q Well, look at Exhibit 9, for example.

1 Okay?

2 This is a production estimate.

3 Where are the license fees mentioned in
4 Exhibit 9?

5 A There will be no license fees here
6 because it's not the collateral.

7 Q Is there a separate -- is there a
8 separate production estimate for collaterals?

9 A Yes.

10 Q Okay.

11 So in the -- in the separate production
12 estimate, there's a document that says "Production
13 estimate collateral license fee"?

14 A The license fee is not put there.

15 Q Okay.

16 So the license fee is in your mind?

17 A No.

18 MR. TOKE: Objection.

19 A No.

20 I actually told Ralph.

21 Q Okay.

22 And what did you tell Ralph about
23 license fees?

24 A I said, "Ralph, it's very, very
25 difficult to, one, the quantity order could change

1 Q Right.

2 So what's -- what's the next document in
3 sequence from Wave Studios?

4 A It really depends if they want a
5 brochure, presentation kit, a flier.

6 Q Okay.

7 A Those things necessitate a separate
8 estimate.

9 Q Okay.

10 And so what, for example, would that
11 estimate have listed in the description portion? It
12 wouldn't have the word license fee, correct?

13 A No.

14 Q Okay.

15 Okay.

16 All right.

17 So you would give the hotels and CHM
18 CD-ROM's with images on the CD-ROM's, correct?

19 A Read-only memory CD-ROM.

20 Q Okay.

21 So across the -- across the images, were
22 there any markings by Wave or any of The Wave
23 companies saying that it belonged to Wave and nobody
24 else could use it or it's not to be -- not to be used
25 on a website, anything like that?

1 A We don't need to -- well, it says
2 "Produced by The Wave," okay, but we don't need to
3 because it's a known fact.

4 Ralph said -- I worked closely only with
5 Ralph. Okay?

6 Ralph say, "Yeah, yeah, yeah, they all
7 know they all come back to you for reprint."

8 Q Okay, okay.

9 And I think -- excuse me if I've asked
10 this before, but sometimes I get lost in it, so I
11 don't mean to be offensive, but we've -- you've never
12 discussed with Ralph the use of the photographs on
13 websites?

14 A There was no such thing as website until
15 much later.

16 Q Okay.

17 So when did websites, to your knowledge,
18 first become used in advertising or marketing for the
19 hotels?

20 MR. TOKE: For these hotels?

21 MR. SCHWARTZ: Yes.

22 MR. TOKE: The ones involved here?

23 MR. SCHWARTZ: For these hotels in
24 paragraph ten.

25 A It would be around this time, 2005.

1 Q Okay.

2 And when you would go to a hotel, would
3 you -- when you would go on a job for a particular
4 hotel, would they tell you -- would the hotel people,
5 not the GHM people, would the hotel people tell you
6 what they wanted in the -- in the marketing
7 materials?

8 A Yes.

9 Q Okay.

10 And would they tell you what to -- what
11 to shoot, you know, to shoot the -- no, that was up
12 to your discretion?

13 A Yes.

14 Sorry, I'm supposed to answer.

15 Q No, that's okay.

16 A Sorry.

17 Q So, in your mind, who was your client;
18 was it GHM or was it the individual hotel?

19 A The client is the individual hotel, but
20 the work has to be in line with the corporate
21 branding that I created for GHM.

22 Q Okay.

23 A Or that Wave created for GHM.

24 Q So I'm not sure in what way that's
25 different.

1 in time and affect rights prior to that?

2 A It records everything that we have
3 agreed upon from day one.

4 Q And what's day one, approximately; the
5 year 2000?

6 A Thereabouts.

7 Q Okay.

8 A Thereabouts.

9 Q So, again, I haven't seen it, but just
10 let me make sure I understand generally what you
11 think it is.

12 Your lawyer, John Jennison, prepares a
13 document in 2013 that affects the rights, the
14 ownership rights of photographs taken by Irieeyes
15 going back as far as the year 2000, give or take.

16 A It's not taken by Irieeyes. I have to
17 correct you there.

18 Q Okay.

19 A Those are my photographs. Every single
20 image were put into frames by me.

21 Just so that you understand better.

22 Q Okay.

23 A They are 3.11 million angles to any
24 given subject.

25 Q I don't mean to say that -- what I meant

1 that they were taken by him, I meant that,
2 physically, he took the photographs.

3 A He was the cameraman. I hired him based
4 on that.

5 Q Okay.

6 A When I say okay to shoot, he shoots,
7 including the shutter speed, including the
8 composition.

9 Q Okay.

10 So you're there at the same time he is?

11 A I photographed those. He just pushed
12 the button when I say it's okay to push.

13 Q Okay.

14 A The subject matter, everything was
15 determined by me.

16 Q Okay.

17 So -- listen to my question.

18 So is it true that every time Masano
19 physically took a picture, you were there with him,
20 for the photographs that are involved in this
21 lawsuit?

22 A When I say okay to shoot, he presses the
23 button.

24 MR. SCHWARTZ: Can you repeat my
25 question?

1 Q Just listen to the question.

2 (Whereupon, the requested portion is
3 read back by the reporter.)

4 A I am with him, but I would disagree that
5 he physically took the picture. He just pressed the
6 button when I say it's okay.

7 Q Okay.

8 Okay.

9 So you were there -- just to close the
10 loop, you were physically -- you were there every
11 time Masano physically pressed the button at your
12 instruction, is that correct?

13 A After I'm done coordinating everything,
14 styled the entire frame, make sure that the lighting
15 are all in the essence to the place, which angle, at
16 what time, then yes, I will check.

17 He will ask me, "Check."

18 I said, "Okay, let me check."

19 If it's not good enough, the lighting
20 over there no good, I say, "Please diffuse or please"
21 -- ditto, ditto -- "the spotlight."

22 Q Okay.

23 A Okay?

24 Then I say, "Okay, press brackets."

25 Q Okay.

1 So let's look at Exhibit 12 again for a
2 second.

3 Do you have it?

4 A Yes.

5 Q So we're going back to paragraph B.

6 Got it?

7 A Yes.

8 Q And you signed this, and -- did you read
9 it before you signed it?

10 A Yes.

11 Q Okay.

12 So paragraph B, I've read before, says
13 that the copyrights remain the sole and exclusive
14 properties of Wave as well as Irieeyes, correct?

15 A What it was -- can I just say what it
16 was intended to mean?

17 Q Sure.

18 A It was intended to mean that Wave owns
19 all works created, but Masano Kawana has the right to
20 put it up on his own website. He can use it for self
21 promotion. He can use it for teaching. If he
22 teaches some day.

23 He can use it to exhibit, if he puts up
24 an exhibition, he can use it.

25 Q Okay.

1 And that was your intention on March 31,
2 2005? That was your intention when you entered into
3 this agreement, right?

4 A It did not start from March 31, 2005.
5 It started from day one when he was hired as the
6 cameraman.

7 Q Okay.

8 Nonetheless, on March 31, 2005, that was
9 your intention, correct?

10 A In written, yes.

11 Q Okay.

12 Why isn't that in writing?

13 A I'm sorry, sir, I didn't write this. I
14 do not know how to write agreements.

15 Q Right.

16 But you can read?

17 A Yes.

18 Q And when you read it, it didn't say what
19 you just wanted it to say, correct?

20 A Yes, but it says also, the design
21 agency -- it says, "Editorial commission are of
22 unlimited assignments."

23 And then the second one addresses that
24 he can use it for life, for reproduction, display
25 rights of all photographs for use of photographic

1 competition, promotional materials, and any
2 publication to promote oneself.

3 Q Okay.

4 So when the words in paragraph B say,
5 "The copyrights remain the sole and exclusive
6 properties of the design agency and the
7 photographer," you understood those words to mean
8 differently, right?

9 A Yes, that's why we had another agreement
10 and another agreement.

11 Q Okay.

12 But at the time you signed this, you
13 understood that those words that I just read not to
14 mean what they say, right?

15 MR. TOKE: Objection.

16 Again --

17 A Not to mean what you said. I only
18 understood that Wave owns the copyright and Masano
19 and Wave can use it for personal promotion.

20 Q Okay.

21 But -- but what you understood -- what
22 you wanted it to say isn't what's in writing,
23 correct?

24 MR. TOKE: Objection.

25 Calls for expert testimony and --

1 A It was written by a lawyer, and this is
2 what I told him.

3 I paid for -- I paid for this to be
4 written.

5 Q Right.

6 And so --

7 A If he wrote it wrongly -- anyway, we
8 have another agreement in 2006 and another agreement
9 in 2013 to really put in words what it really meant
10 from day one.

11 Q Okay.

12 A I'm sorry if my English is no good.

13 Q No, your English is fine.

14 MR. SCHWARTZ: Let's take another
15 two-minute break because I'm personally getting just
16 a little bit tired, so I need some more breaks in
17 between as we go along with this.

18 MR. TOKE: I understand.

19 THE VIDEOGRAPHER: We're going after the
20 record at 4:33 p.m.

21 (Brief recess taken.)

22 (Whereupon Confirmation of Assignment of
23 Copyright is received and marked as Exhibit 13 for
24 identification.)

25 THE VIDEOGRAPHER: We are back on the

1 A Yes, at my accountant's office.

2 Q And that's in Singapore?

3 A That's right.

4 Q And as far as you know then, where
5 was -- where was Masano living?

6 A Singapore, then.

7 Q Okay.

8 And you think he moved after that?

9 A I don't know because I was planning to
10 come to U.S.

11 Q Okay.

12 So did you go to Masano to ask him to
13 sign this agreement?

14 A Well, I'm leaving, so I said, you know,
15 "We have to sort out everything clean because I
16 intend to start shop in the U.S. if United States to
17 accept me."

18 Q So did you understand that the purpose
19 of having him sign this memorandum of understanding
20 was to change the relationship and ownership that you
21 had earlier?

22 A No, it's not changing. It's just
23 consolidating everything agreed, whether orally or
24 written, into one. That's why he said, "You don't
25 have to do this."

1 minus 0-0-9, six years, that would be 2003, but I'm
2 not sure which invoices is 2003.

3 Q Okay.

4 So is it correct, then, that at some
5 point The Wave Studio Pte., Ltd. sued General Hotel
6 Management?

7 A In 2009, for non-payment of bills.

8 Q Okay.

9 So you were the Plaintiff?

10 A Yes.

11 Q Okay.

12 And where was that litigation?

13 A In Singapore.

14 Q Okay.

15 And that's between two Singapore
16 companies in Singapore, right?

17 A I know I'm -- my company is in
18 Singapore. I don't know where GHM is.

19 Q Is that true, you don't know where GHM
20 is?

21 A I mean, GHM office, I know, but I don't
22 know where they are registered.

23 Q Okay.

24 But you sued them in Singapore?

25 A Yes.

1 record at 5:40 p.m.

2 (Brief recess taken.)

3 THE VIDEOGRAPHER: We're back on the
4 record at 5:55 p.m.

5 Q Okay.

6 If you look on Page 5, paragraph ten.

7 A On?

8 Q On the complaint, the big -- big
9 document.

10 That's exhibit --

11 MS. REMORE: 14.

12 Q -- 14, the amended complaint.

13 It's Page 5, paragraph ten, the last
14 sentence.

15 Would you read it, if you can?

16 A Page 5.

17 Q It says, "GHM targets New York residents
18 to book accommodation and other hospitality services
19 at the," capital H, "Hotels when they travel to those
20 vacation destinations."

21 Do you see that?

22 A Yes.

23 Q Okay.

24 In what way does GHM target New York
25 residents?

1 A I think my attorney can answer that
2 because I don't know how to answer.

3 Q Okay.

4 Would it be fair to say you have no idea
5 about that particular sentence?

6 A Because of a lot of infringement by U.S.
7 companies, that would be my understanding.

8 Q Okay.

9 But the sentence actually says "GHM
10 targets New York residents to book accommodation at
11 the Hotels."

12 Do you know what that means?

13 A I can only tell you what I understand --

14 Q Okay.

15 A -- from reading.

16 Because infringements of -- majority of
17 the infringements are found in U.S., so I don't know
18 how it's worded.

19 Q What do you mean by "the majority of
20 infringements are found in the U.S."?

21 A All these Defendants, they are
22 U.S.-based companies.

23 Q I see.

24 A Maybe that's what it means.

25 Q I see. Okay.

1 A I'm sorry, I'm not going to guess. You
2 have to ask Cameron. I'm sorry.

3 Q Okay.

4 So you, as the client, have no idea
5 whether or not GHM targets New York residents, as
6 indicated in that sentence in paragraph ten?

7 A I can't speak for GHM.

8 Q I'm not speaking for -- no, no, you
9 understand that this is your complaint, your amended
10 complaint, right? And you, Wave LLC, are claiming
11 that GHM targets New York residents. And do you
12 personally have any idea what that means, or -- let
13 me rephrase that.

14 Do you have any idea in what way GHM
15 targets New York residents to book accommodations at
16 the Hotels?

17 A My understanding is because a lot of
18 infringers are in the U.S., or in New York.

19 Q But this is different. This is
20 saying -- and I don't want to -- I don't want to
21 upset anybody and have an argument with you. I'm
22 just trying to make sure that we understand each
23 other.

24 This says, "GHM targets New York
25 residents to book accommodations."

1 At the moment, that sentence has nothing
2 to do with infringements. It's just saying "GHM
3 targets New York residents."

4 Can you tell me in what way you believe
5 GHM targets New York residents to book
6 accommodations?

7 A I'm sorry, I cannot answer because I
8 didn't write this.

9 Q And you have no idea, right, whether GHM
10 targets New York residents?

11 A All I know is a lot of infringement in
12 the U.S. That's all I know.

13 Q Well, by that, you mean the Defendants
14 are in the U.S., right?

15 A Yes.

16 Q So paragraph ten, by the way, lists all
17 those hotels.

18 How come the hotels aren't Defendants?

19 MR. TOKE: And objection to the extent
20 that it calls for attorney-client privilege.

21 Q You believe that the hotels are
22 infringing your copyrights, right?

23 A Yes, but I don't -- I did not find,
24 like, Serai Club.

25 Q I'm sorry?

[& - 3]

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<p>& & 2:6 40:7 0 0-0-9 206:1 00546 3:14 145:1 042 50:16 51:1,11 51:23 52:21 53:3 56:14 05 203:2 06 203:2 07052 2:7 09 48:22 247:7 09239 1:3 4:20 1 1 3:9 33:19 34:7,14 38:5,6 39:10 42:2 44:16 45:13 48:2 51:17,20 57:2 61:8 61:12,15 68:25 80:23 81:6 82:11 185:24 187:20,21 1,000 238:9 10 3:14 51:18,19 113:4,7,9 152:14 155:1,21 156:3,5 157:20 158:2,5,9,11 193:14 247:7 10,000 122:11 130:15 134:23 135:21,22,23 137:8 137:9,9,10,17 10005 2:12 10036 2:21 10:15 1:19 4:12 10:54 33:17 11 3:14 59:12 62:7 63:25 144:24 145:1 147:16,17 113 3:14 11:16 33:22 11:37 52:13,18 12 3:15 167:14,17 167:18 169:6 171:9</p>	<p>171:14 180:1 12:03 73:10 13 3:16 183:23 184:3 192:20 194:14,15 240:24 14 3:17 194:16,17 194:21 209:15,15 210:18 215:11,12 144 3:14 15 3:17 68:5,13,23 69:4 74:16 75:5,8 77:5 208:8,15 167 3:15 17 7:10 18 86:15 184:16 181 50:16 51:2,12 51:23 52:22 53:3 56:15 183 3:16 19 7:12 1914 198:19,20 194 3:17 1993 149:1 1999 147:19 1:48 73:18 2 2 3:10 40:5,6 41:8 41:10,12 42:6 45:22 47:21,23 60:1,9 81:15,19,22 82:1 2-0-0 167:7 20 6:16 7:13,15 70:18 147:15 184:8 194:22 20,000 135:24 2000 159:23 162:19 162:20,22 163:7 174:14 177:5,15 195:3,9,20 2000's 163:2 2001 163:7 2002 106:10,11,22 107:10,18 108:16 110:12 112:20,22</p>	<p>112:24,25 123:19 2003 201:20,22 202:1 205:22 206:1 206:2 2004 96:17 2005 12:12,13,20 13:2,13 104:1,1 112:12 113:14,20 114:3,8 119:16 139:25 140:1 141:2 141:4,6 172:5 173:23 181:2,4,8 2006 117:18 119:17 141:4,6 147:7 149:6 169:25 170:3,16 171:24 172:2,5 173:23 174:11,14 175:2,13 183:8 2007 74:16 75:5,9 77:5 85:14 123:16 142:16,19,20 147:7 147:22 148:1,22,23 2008 17:21 42:2 44:16 45:14 47:17 48:2 49:1,14,20,24 51:3,16 53:4 56:8 60:25 61:1,15,17,23 62:6 66:1,1 68:3 69:1 80:23 81:6 141:18,19 142:17 142:20 167:11 2009 41:1 205:24 206:7 2010 34:24 35:1 40:25 48:23 51:22 51:25 61:13,14 70:19,19,22 87:4,10 114:16 147:19 162:22 214:10 2011 22:24 23:3 24:19 25:1 26:9 27:9,16 28:2,17,19 28:25 29:1,24,25 31:12 35:2,8,10,11 35:15,19,22 36:6</p>	<p>38:19,24 40:18,25 59:13 62:7,15 64:1 86:15 108:21 109:5 109:6 114:21 115:10 146:4,24 147:18 209:24 214:2,4 2012 22:1 68:5,13 68:23 69:4 115:14 127:1 140:9 141:14 145:12 148:25 149:20 150:14,23 150:24 151:3,10,16 151:25 211:16,19 211:21 212:15,16 212:19 2013 76:4 84:17,22 85:1 176:4,6,23 177:13 183:9 185:24 186:20 2015 1:18 4:11 6:18 7:12 184:16 208 3:17 21 1:18 4:11 220:9 21st 184:10 22 224:8 227:20 23 198:19 24 230:10 247 3:21 248 3:22 28 1:17 2:11 4:14 5:5 34:24 47:17 49:14,20 51:3 56:8 61:17,23 62:1,6 68:3 69:1 29 87:4 2:54 126:14 2002 113:1 3 3 3:10 39:3,4 46:17 46:20,21 47:21 48:14 55:22 56:13 56:25 60:9 61:23 71:8 72:24 74:13</p>
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[3 - agree]

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Exhibit D

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF NEW YORK
3 Civil Action No. 7:13-cv-09239

4 -----x

5 THE WAVE STUDIOS, LLC,
6 Plaintiff,

7 vs.

8 GENERAL HOTEL MANAGEMENT LTD., et al.,
9 Defendants.

10 -----x

11 One Chase Manhattan Plaza
New York, New York 10005

12
September 9, 2015
13 10:41 a.m.

14
15 CONTINUED DEPOSITION of LEE KAR YIN, on
16 behalf of THE WAVE STUDIOS, LLC, the
17 Plaintiff in the above-entitled action, held
18 at the above time and place, taken before
19 Jessica R. Taft, a Notary Public of the
20 State of New York, pursuant to Order and
21 stipulations between Counsel.

22
23 * * *

24
25 Job No. NJ2126707

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STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED by
and between the attorneys for the respective
parties hereto that the sealing, filing and
certification of the transcript of the
within examination before trial be, and the
same hereby are waived.

IT IS FURTHER STIPULATED AND AGREED
that said transcript may be signed and sworn
to before any Notary Public or Commissioner
of Deeds with the same force and effect as
if signed and sworn to before an officer of
this Court.

IT IS FURTHER STIPULATED AND AGREED
that all objections, except as to the form
of the questions, are reserved to the time
of the trial.

1 JER KAS YIN

2 deposition that you want to correct?

3 A Yes, I do.

4 Q What?

5 A I went back to check my records.

6 One, I got to know Mr. John Jennison in 2010
7 by e-mail introduction and mistaken he was
8 someone else in 2009, 2009.

9 Q I am sorry, I couldn't hear the
10 last part. So you met Mr. Jennison in 2010.
11 I couldn't get the last sentence.

12 A I mistaken him for another
13 gentleman in 2009, which I met in Arlington.

14 Q So, you mistook Mr. Jennison for
15 another gentleman?

16 A Yes.

17 Q So you met Mr. Jennison for the
18 first time in 2010?

19 A In 2010.

20 Q Do you know what month?

21 A End of 2010.

22 Q Any other corrections you want to make?

23 A Yes. Also, the -- you asked me
24 who prepared the 2007 and 2008 assignment.
25 I went back to check. I prepared it. I

LEE KAR YIN

just filled in the company's name on the template and -- yeah, and then I made an appointment with U.S. Embassy and we had it signed and notarized at the U.S. Embassy in Singapore. They think that -- of course, U.S. Embassy say, "Oh, you cannot notarize anything that is backdated," so they will put the date of when it was notarized.

So I said, "Okay." My friend said, "Okay, doesn't matter, because they are all your companies and it is okay." Even if it is in 2012 or 2011, it is now or then. That was my thought. And by so doing, I thought I will save some money.

Q Who was your friend who told you that?

A Sarah. Sarah is the one who signed the -- my signature on the left and Sarah signed on the right in front of a notary public, you call it, but it was done at the U.S. Embassy.

Q What relation is Sarah to you?

A A friend.

Q Is she a lawyer?

A No.

1 LEE KAR YIN

2 Q What is her business profession?

3 A She is a PR manager at Dell.

4 Q Can you explain how come you didn't
5 remember that during the last deposition?

6 A Because I filled in hundreds and
7 hundreds of forms, and at that point in time
8 the registration -- I only remember communicating
9 with John because he helped to register everything
10 pertaining to U.S. and so on, so immediately
11 I just thought, Oh, it should be John.

12 Q Is there anything else you want
13 to change?

14 A The first GHM website that Wave
15 designed was on 2005.

16 Q And did you look at something to
17 refresh your recollection that that was the
18 date of the first GHM website?

19 A Yes, because I had to find who
20 the copywriter, I mean, who the people who
21 contributed to the creation of the website.
22 So I found the copywriter e-mailing me the
23 copies for different hotels, and that was
24 Michele Yansen and that was in 2005.

25 Q Anything else you want to change?

1 LEE KAR YIN

2 on February 15, 2007?

3 A No, thinking...

4 MR. TOKE: Asked and answered.

5 THE WITNESS: My understanding
6 was it is now for then. Okay? So, I
7 put a date there and signed. But at
8 U.S. Embassy they said you cannot,
9 they cannot notarize anything that is
10 backdated. I said okay.

11 Obviously, we brought this
12 along because we don't know how to do
13 this. We brought the signed copy as
14 well as the empty copy, and then they
15 said it is fine, this copy, but they
16 will strike out the dates if that is
17 okay with us. I said sure because,
18 yeah, it is now for then.

19 BY MR. SCHWARTZ:

20 Q So, just a second. So, to go
21 back to the actual document that was served
22 on us yesterday, what does the expression
23 void ab initio mean?

24 A Void.

25 Q Do you know what that expression